

consummation would constitute irrevocable marriage.¹ If people treated church ordinances and forms with neglect they were punished by church discipline, but the marriage was not declared invalid. Hence the system was elastic and could not be abruptly changed.

433. Conflict of mores and church programme. Betrothal and wedding. In Germany the popular resistance to a change of the mores about marriage was more stubborn than elsewhere. Although ecclesiastics were present at marriages, until the thirteenth century, they sometimes took no part.² In the poems, from the beginning of the twelfth century, mention is made of priestly benediction; still it remains uncertain whether this took place before or after *concubitus*. In the great epics of the thirteenth century the old custom of the circle of friends and the interrogatories by a distinguished relative appears. The couple spend the night together and on the following morning go to church where they are blessed.³ This is the proceeding in Lohengrin. In the thirteenth century the prolocutor was going out of fashion and the ecclesiastic got a chance to take his place.⁴ Evidently

there
 was here an ambiguity
 between the betrothal and
 the wedding.
 It took two or three
 centuries to eliminate it.
 When the man
 said, "I will take," did he
 mean, "It is my will to take
 now/" or
 did he-mean, " I will take at a
 future time" ? Sohm⁵ says that
 betrothal was the real
 conclusion of a marriage, and
 that the wed-
 ding was only the confirmation
 (*Vollzug*) of a marriage already con-
 summated. Friedberg ⁶ says
 that the wedding was the
 conclusion
 of a projected marriage and
 not the consummation of one
 already
 concluded. When there was a
 solemn public betrothal and
 then
 a wedding after an interval of
 time, the latter was plainly a repeti-
 tion which had no
 significance. What happened
 finally was that
 the betrothal fell into
 insignificance, or was united
 with the wed-
 ding as in the modern Anglican
 service, and *conciibitus* was
 allowed
 only after the wedding. The
 wedding then had
 importance, and
 was not merely a blessing on
 a completed fact. It was
 then a

1 Wilkins, I, 668, 690. *

Weinhold, *D. P.*, I, 373.

² Friedberg, 79. 5

Trauung ^md Verlobung^ 37.

⁸ *Nibelungen^* 568-597. 6

Verlobung und Trauung, 23.